

House Bill 1347 (AS PASSED HOUSE AND SENATE)

By: Representatives Manning of the 32nd, Sinkfield of the 50th, Gardner of the 42nd, Post 3, Buckner of the 82nd, Henson of the 55th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated,
2 relating to children and youth services, so as to provide for availability of information in
3 child welfare agencies relating to recall notices on unsafe child care products; to amend
4 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
5 employees' records checks for day-care centers, so as to revise a definition; to change certain
6 provisions relating to fingerprint records check applications for directors of existing facilities
7 and preliminary records checks for employees; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to
12 children and youth services, is amended by adding a new Code section to read as follows:

13 "49-5-23.

14 (a) Any agency, department, or office that regulates child welfare agencies shall make
15 available to such child welfare agencies at the time of application for initial or renewal
16 certification or licensure information concerning contacting the U. S. Consumer Product
17 Safety Commission to obtain recall notices on unsafe child and infant products.

18 (b) Child welfare agencies shall post the phone number and website of the U. S. Consumer
19 Product Safety Commission in a location visible to parents and visitors. The notice shall
20 also advise such parents and visitors on how to obtain recall notices on unsafe child and
21 infant products."

22 **SECTION 2.**

23 Article 3 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to
24 employees' records checks for day-care centers, is amended by striking paragraph (1) of
25 Code Section 49-5-60, relating to definitions, and inserting in its place the following:

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"(1) 'Center' means a child-care learning center, child-placing agency, day-care center, group day-care home, family day-care home, or child-caring institution which is required to be licensed or registered under Article 1 of this chapter."

SECTION 3.

Said article is further amended by striking subsection (b) of Code Section 49-5-67, relating to fingerprint records check applications for directors of existing facilities and preliminary records checks for employees, and inserting in its place the following:

~~"(b) As an exception to the requirements set out in this article for employees of centers, a center may hire emergency temporary employees in order to avoid noncompliance with staffing requirements for centers required by law, rule, or regulation. An emergency temporary employee may start working immediately after requesting a preliminary records check from a local law enforcement agency and may work up to five working days without the results of the preliminary records check if the director of the center maintains an affidavit with supporting documents in the employee's personnel file stating that the emergency temporary employee applied for a preliminary records check with a local law enforcement agency before the employee began work and the date that the preliminary records check was received from the local law enforcement agency. The employee's personnel file shall be available to the department for inspection. At the end of the five-day work period or upon receipt of the results of the preliminary records check, whichever occurs first, emergency temporary employees become subject to all other requirements of this article.~~ As an alternative to the requirements set out in this article pertaining to obtaining preliminary criminal records check determinations through the department for employees, foster parents, and adults residing in a foster care home, but not including directors of centers, centers may obtain GCIC information through local law enforcement agencies. The center shall be responsible for reviewing the GCIC information obtained for the potential employee, or foster parent or other adult residing in the foster care home, and make a written determination that the individual does not have a criminal record as defined in this article. This written determination, together with all supporting documentation received from any law enforcement agency, must be maintained in the center's file and available for inspection by the department. This satisfactory determination must be made before the employee or foster parent begins any duties for the center. However, where there is an urgent need for an emergency temporary employee to work at a center's facility in order to avoid immediate noncompliance with staffing requirements, such center may utilize the applicant as an emergency temporary employee after applying for the preliminary records check through the local law enforcement agency and completing the affidavit. In such emergency situations, the director of the center must complete an affidavit, with all

supporting documentation attached thereto, stating that the GCIC information has been requested through an identified local law enforcement agency and that the results were not immediately available to the center prior to assigning the employee to work with children at the center's facility in order to avoid immediate noncompliance with staffing ratios. The affidavit with supporting documentation must be maintained in the center's file on the individual and available to the department for inspection. The director shall review the GCIC information upon receipt, but in no case shall an emergency temporary employee be permitted to continue working for more than three days without having a satisfactory determination made by the director and entered into the center's file on the employee with all supporting documentation. Centers shall not abuse the right to utilize emergency temporary employees. Foster parents and adults residing in a foster care home utilized by child-placing agencies shall never be utilized as emergency temporary employees of the child-placing agency. Employees, emergency temporary employees, foster parents, and other adults required to have records checks who are utilized by centers are subject to all other requirements set forth in this article. Where the department has reason to question the validity of the GCIC information or the satisfactory determination made by the center, the department may require the employee, emergency temporary employee, foster parent, or other adult to submit a preliminary criminal records check application through the department together with appropriate fees."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.